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SEP 12 2006

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SEND TO: United States Patent Office
Examiner: A.M. LEZAK
Group Art Unit: 2143
Tel No: _____
Fax #: 512-273-8300

FROM: J.B. KRAFT
Tel No: 512-473-2303

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Docket No. A292000 094451 Serial No. 09/801 612 Atty: _____
Applicant: E.F. McBrearty

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09-0443 / 09-0447

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PATENT
09/801,612

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2143

Gerald F. McBrearty et al. : Examiner: A. M. Lezak

Serial No: 09/801,612 : Intellectual Property

Filed: 03/08/2001 : Law Department - 4054

Title: PROTECTING CONTENTS : International Business

OF COMPUTER DATA FILES FROM : Machines Corporation

SUSPECTED INTRUDERS BY : 11400 Burnet Road

RENAMING AND HIDING DATA : Austin, Texas 78758

FILES SUBJECTED TO INTRUSION : Customer No. 32,329

Date: 9/12/06 :

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted via facsimile to USPTO, Group Art Unit 2143 at telephone number 571-273-8300, and to the attention of Examiner A. M. Lezak on 9/12/06.

J. B. KRAFT
J. B. Kraft 9/12/06

REPLY BRIEF ON APPEAL
BEFORE THE BOARD OF APPEALS
AND INTERFERENCES

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed July 18, 2006. Applicants will address a new argument made by Examiner in her Answer.

To summarize the remaining issues in the present Appeal, the patentable novelty of the present invention is

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PATENT
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the combination of: means for determining whether user requests for data are unauthorized intrusions into said requested data files; and

means, responsive to a determination that a request is an unauthorized intrusion, for changing the identification of the requested data files.

Applicants concur with Examiner that Schneck discloses determining whether received requests for data files, in a network environment, are unauthorized. Applicants also concur with Examiner's conclusion that: Schneck does not teach means, responsive to unauthorized intrusion, for changing identification of requested data files.

Applicants have traversed the rejection under 35 U.S.C 103(a) that claims 1-45 are unobvious over Schneck (US5,933,498) in view of the Margolis publication (US2002/0038296). Examiner relies on Margolis to make up for the above deficiency in the teaching of Schneck.

Examiner's New Argument.

Applicants have conceded that Margolis does disclose changing the names of an objects but only when new versions of objects are created. However, Applicants have argued that this has nothing to do with a response to an unauthorized intrusion, and would not be suggestive combining the Margolis means for changing names with the Schneck means for determining whether requests for data files are unauthorized.

In this connection, Examiner argues that since the claimed invention changes file identities, and Margolis changes file identities, the only difference is the intended use of the name change i.e. Margolis changes identity of an object only when a new version is made while the present

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PATENT
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invention changes identity of a file in response to an unauthorized intrusion. In effect, Examiner is arguing that there is no structural difference, only a new use for the function of changing identity of a file.

Applicants submit that the structural difference is in the combination of means for determining whether user requests for data are unauthorized intrusions into said requested data files; and means, responsive to a determination that a request is an unauthorized intrusion, for changing the identification of the requested data files.

In the present invention, the structural means for changing the identification of requested files do so in response to structural means for determining that there has been an unauthorized intrusion. At best, Margolis discloses the combination of structures for changing identities of objects in response to structures for creating new versions of objects. It has no suggestion of a structure for changing identities of objects in response to structural means for determining that there has been an unauthorized intrusion.

For this suggestion in Margolus, Examiner cites ten continuous columns (paragraphs 0011-0032) as well as paragraphs 55 and 62 and all of claims 1-153. Applicants have reviewed these sections and claims, and still fail to find any suggestion of changing the identification or name of any file responsive to an unauthorized intrusion.

In view of the foregoing and Applicants' arguments made in the Brief on Appeal, it is submitted that Claims 1-45 are unobvious over the combination of Schneck et al. (US5,933,498) in view of the Margolus Publication (US2002/0038296). and, therefore, are patentable under 35 USC 103(a).

Therefore, it is respectfully requested that the Final

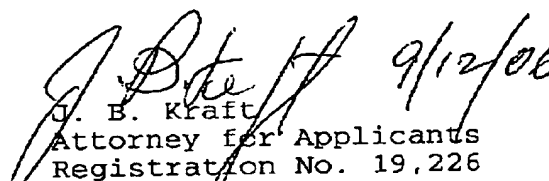
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PATENT
09/801,612

Rejection of claims 1-45 dated February 10, 2005 be
reversed, and that claims 1-45 be found to be in condition
for allowance.

Respectfully submitted,

 9/12/06
J. B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

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Gerald F. McBrearty et al. : Intellectual Property
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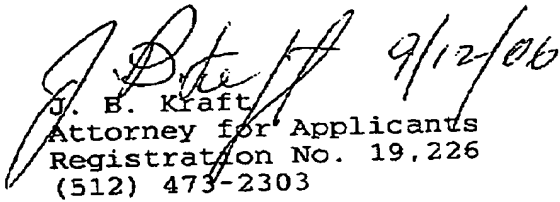
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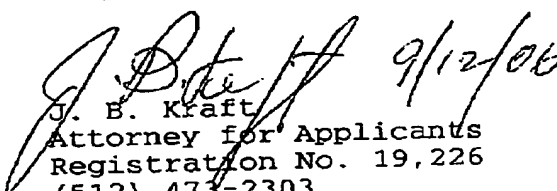
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